agent fraudulently and falsely represented that he had authority to search for and seize a certain book. Relying on this representation, the defendant handed him the book. The agent gave the book to the United States attorney. On a motion by the defendant under an order that the United States attorney should show cause why the book should not be returned, *held,* the protection afforded by the Fourth Amendment against unreasonable searches and seizures extends only to cases involving force, and not to those where the evidence is obtained by fraud or trick. The motion was denied. *United States* v. *Maresca* (D. C., N. Y., 1920) 266 Fed. 713.

The present state and former federal rule holds evidence admissible even though procured by unconstitutional means. *People* v. *McDonald* (1917) 177 App. Div. 806, 165 N. Y. Supp. 41; *Ripper* v. *United States* (C. C. A. 1910) 178 Fed. 24; *contra, State* v. *Sheridan* (1903) 121 Iowa 164, 96 N. W. 730; *United States* v. *Wong Quong Wong* (D. C. 1899) 94 Fed. 832; see (1920) 20 COLUMBIA LAW REV. 484. The argument for this rule emphasizes the public interest in discovering the truth, and asserts that an action against the individual wrongdoer comprises the constitutional protection. The present federal rule renders such evidence inadmissible where the defendant has made timely application for its return. *Silverthorne Lumber Co.* v. *United States* (1920) 251 U. S. 385, 40 Sup. Ct. 182; *Weeks* v. *United States* (1914) 232 U. S. 383, 34 Sup. Ct. 341. This view is preferable, for otherwise the constitutional provisions are emasculated. The amendment refers only to forcible searches and seizures, and although its object was to restrain official despotism, still to interpret its language to exclude the use of fraud in the detection of crime is unwarranted and would seriously impair the enforcement of the law. In the instant case, however, sufficient elements of force are present to render the amendment applicable. The representation of official authority clearly expressed an intention to use force if necessary. In analogous cases of false imprisonment, where one submits to restraint because of a reasonable apprehension of the use of force, the result is the same as if force had actually been used. *Hebrew* v. *Pulis* (1906) 73 N. J. L. 621, 64 Atl. 121; *Martin* v. *Houck* (1906) 141 N. C. 317, 54 S. E. 291. No reason appears why a different criterion of force should be applied to the instant case. *United States* v. *Abrams* (D. C. 1916) 230 Fed. 313; *contra, State* v. *Arthur* (1905) 129 Iowa 235, 105 N. W. 422.

MARRIAGE—ANNULMENT—JEST.—The plaintiff had in jest performed a marriage ceremony with the defendant. Although a marriage license had been obtained and none of the necessary details had been omitted, the parties had no intention to enter a matrimonial contract or to assume the rights and duties of the status. There was no subsequent cohabitation. *Held,* the marriage could be annulled in equity. *Crouch* v. *Wartenberg* (W. Va. 1920) 104 S. E. 117.

Courts of equity have early taken jurisdiction of marriages contracted in this fashion. *McClurg* v. *Terry* (1870) 21 N. J. Eq. 225. The rule in the few cases that have arisen has been to consider these marriages as voidable rather than void *ab initio.* As a result, no collateral attack upon them has been permitted. *Barker* v. *Barker* (1914) 88 Misc. 300, 151 N. Y. Supp. 811, *aff'd.* 182 App. Div. 929, 168 N. Y. Supp. 1101 (later annulled by direct proceedings in *Dorgeloh* v. *Murtha* (1915) 92 Misc. 279, 156 N. Y. Supp. 181). And subsequent cohabitation has been treated as a ratification. See *Dorgeloh* v. *Murtha, supra,* 285. This result finds little support in logic and hardly more in policy. Intent to enter the marital relation and not cohabitation generally establishes the validity of a marriage. *Franklin* v. *Franklin* (1891) 154 Mass. 515, 28 N. E. 681. Thus, in the absence of statute, the marriage of an insane person is void *ab initio. Estate of Gregorson* (1911) 160 Cal. 21,

23, 116 Pac. 60. This probably resulted from the inherent inability of such persons to entertain the necessary intent. It is possible, therefore, to attack such marriages collaterally. *Unity* v. *Belgrade* (1884) 76 Me. 419. And in most jurisdictions subsequent cohabitation does not validate them. See *Sims* v. *Sims* (1897) 121 N. C. 297, 300, 28 S. E. 407. A similar result was to be expected in cases like the instant case. The unwillingness of the courts to bastardize the issue of a subsequent cohabitation indulged in in the belief that a valid marriage had been effected, probably explains this inconsistency. But it is believed that the cases which hold that the marriage is valid until annulled are pregnant with a far more real danger. The parties, in the belief that the marriage was no more than they intended, might by marrying again be made adulterers in legal contemplation. *Cf. Franklin* v. *Franklin, supra.* Since policy and not logic governs all marital litigation, perhaps the sounder course would be that followed by some courts in dealing with marriages of insane persons. The marriage in such a case is treated as absolutely void and is yet considered to be validated by subsequent cohabitation. See *Prine* v. *Prine* (1895) 36 Fla. 676, 689, *et seq.*, 18 So. 781.

MEMBERSHIP CORPORATIONS—INCORPORATION OF FOREIGN CULTURAL AND POLITICAL SOCIETIES.—The Catalonian Nationalist Club of New York, which was organized for the purpose of being "a center of representation in North America of Catalonian culture and of the legitimate national aspirations of Catalonia" and to "strengthen the bonds of solidarity . . . among the Catalonians", applied for approval of its certificate of incorporation by the Supreme Court, as required by a New York Statute, N. Y. Cons. Laws, (1909) c. 35, § 41, as amended by Laws 1916, c. 19. *Held,* that the court's approval should be withheld; the need of the time was the teaching of American culture, and, therefore, the teaching of foreign culture should be discouraged. *Application of Catalonian Nationalist Club of New York* (Sup. Ct. 1920) 112 Misc. 207, 184 N. Y. Supp. 132.

Where the existence of the corporation may injure the state, the court, when empowered to act as in the instant case, denies approval of the certificate of incorporation. *Matter of Carpenters', etc. Union* (N. Y. 1885) 17 Abb. N. Cas. 109, (corporation insolvent from inception); *In re Celtic Club Charter* (1906) 15 Pa. Dist. 630, (cloak to evade the law). And in general the courts view with strong disfavor the incorporation of foreigners, or the incorporation of citizens for the pursuit of foreign culture. *Italian Mut. Benefit Assn.* (1895) 4 Pa. Dist. 357, (foreigners); see *Germania Sangerbund* (1891) 2 Pa. Dist. 73, (citizens); but *cf.* (N. Y. 1911) 2 Reports of Atty. Gen. 427. The question is one of policy. The existence of a corporation whose basic principles are not in accord with prevailing American ideals is not necessarily obnoxious to sound public policy. Thus, communistic corporations have been upheld on the ground that it is desirable to afford people opportunity to voice and live their ideals so long as they conflict with no positive law of the land. *St. Benedict Order* v. *Steinhauser* (1914) 234 U. S. 640, 34 Sup. Ct. 932; *State* v. *Amana Society* (1906) 132 Iowa 304, 109 N. W. 894. The purpose of all these approved corporations has been social, religious, or relating to the means of livelihood. But in the instant case the purpose of the organization is purely political, in no wise connected with the land in which the members live, and bears no relation to the manner in which the members desire to live their own lives. And since in some cases such organizations may retard assimilation, approval for incorporation should be withheld where, as in the instant case, it seems best in the discretion of the court.